IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Con.Case(C).No. 1412 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.21660/2007 Dated 16/08/2006

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PETITIONER/PETITIONER IN THE WP:

DILEEP KUMAR VALANKI, AGED 44,
S/O.K.K.GOVINDAN, U.D.TYPIST,
O/O REGIONAL JOINT DIRECTOR,
DEPARTMENT OF TOURISM, KOZHIKODE.

BY ADV. SRI.N.SUGATHAN
SMT.VARSHA BHASKAR
SRI.S.PRASANTH (AYYAPPANKAVU)

RESPONDENT: RESPONDENT IN WP:

SRI.SANJAY KAUL, IAS,
DIRECTOR, DEPARTMENT OF TOURISM,
PARK VIEW, THIRUVANANTHAPURAM.
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

COC NO. 1412 of 2007

Dated this the 31st day of October, 2007

JUDGMENT

The petitioner alleges that the directions in Annexure II judgment, by which the respondent was directed to consider Ext.P4 and take a decision thereon within one month from the date of production of the judgment, is not complied with.

2. In an affidavit filed by the respondents, reference is made to Annexure R1(a) order dated 14.11.2006, which allegedly was despatched and sent to the petitioner on 15.11.2006 itself. The petitioner has filed a reply affidavit producing therewith Annexure-IV letter dated 18.10.2007 from the Administrative Officer in the Department of Tourism enclosing therewith an original of the order dated 14.11.2006. The endorsement on the last page of Annexure-IV order seems to indicate that the petitioner had received the same only on 22.10.2007.

3. Steps were taken to comply with the directions in Annexure-II judgment only after intimation of the institution of the contempt of court case.

4. In the circumstances, I am not satisfied with the

affidavit filed by the respondent. I also find it disturbing that an attempt has been made in the affidavit to make it appear that the petitioner had actually received Annexure R1(a) order, before institution of the contempt of court case. The suggestion seems to be that in spite of the same the petitioner had gone ahead and instituted a contempt of court case.

5. Nevertheless, in circumstances where an order has actually been passed pursuant to the directions contained in Annexure II judgment, I do not deem it appropriate to proceed further with the contempt of court case.

Aaccordingly, Contempt of Court Case is closed.

V. GIRI, JUDGE

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